

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FITLIFE BRANDS, INC.,

Plaintiff,

vs.

SUPREME SPORTS ENHANCEMENT,
L.L.C.,

Defendant.

8:14CV241

ORDER

A conference call was held today at the court's request. The court was told at the end of October that this case was settled, and consistent with the court's standard practices, a December 1, 2014 deadline was set for filing dismissal documents. But on November 21, 2014, at his client's request, Defendant's attorney of record, V. Gene Summerlin Jr., moved to withdraw as counsel for Supreme Sports Enhancement, L.L.C. The court has not granted the motion to withdraw.

Under the rules of this court, Mr. Summerlin remains the attorney of record for Supreme Sports Enhancement, L.L.C., and he was required to attend today's conference call. During the call, Plaintiff's counsel explained the status of the parties' communications. Mr. Summerlin listened, but as directed by his client, he did not comment on the statements made by Plaintiff's counsel or the court.

The court recognizes that the parties need additional time to communicate regarding the final disposition of this case, and it will allow a brief continuance of the dismissal motion deadline. But the court cannot and will not allow the defendant, a limited liability company, to appear before this court or file any documents of record without an attorney. See [GMAC Commercial Credit LLC v. Dillard Department Stores, Inc.](#), 357 F.3d 827, 828 (8th Cir. 2004).

The court decides if an attorney is permitted to withdraw from a case. Accordingly, until the court decides otherwise, Mr. Summerlin represents Supreme Sports Enhancement, L.L.C. in this lawsuit. And if the court does permit Mr. Summerlin to withdraw, Supreme Sports Enhancement, L.L.C. will be required to retain new counsel and have that attorney file an appearance on its behalf within two weeks, in the absence of which, the court may file an entry of default or a judgment of default against Supreme Sports Enhancement, L.L.C. without further notice.

Accordingly,

IT IS ORDERED that Defendant's counsel, V. Gene Summerlin Jr., shall promptly mail a copy of this order to Defendant Supreme Sports Enhancement, L.L.C., and file a certificate of service stating the date and manner of service, and the name and address served.

December 2, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge